

REMARKS

Claim 102 has been added. This claim specifies that the nucleobase of the LNA monomer at position 10 is thymine (T). Support for this claim can be found in the specification, for example, on page 24 of the corresponding PCT specification at lines 15 – 25. No new matter has been added.

Applicant appreciates the withdrawal of the requirement for election of a species set forth in the action dated February 19, 2010.

Rejections Under 35 U.S.C §102(e)

Claims 67-70, 72, 74-77, 79-81 and 91-97 were rejected under 35 U.S.C §102(e) as anticipated by Allerson et al (WO 2004/041889). Claims 67-70, 72, 74-76, 80-82 and 91-97 were rejected under 35 U.S.C §102(e) as anticipated by McSwiggen (US 2005/0261212).

Enclosed herewith is the Declaration of Jaocim Elman under 37 C.F.F. § 1.131 (includes and Exhibit; hereinafter “the Declaration”) in which Dr. Elmen, one of the inventors of the present application explains that the invention as described and claimed of present application was conceived prior to July 26, 2002 in a WTO country by designing compounds described in present claim 67. These compounds, listed in Exhibit 1 of the Declaration, are the same as those in Table 1 of the present application (WO 2004/083430 at page 50) and those in Table 1 (page 46) of the March 21, 2003 Danish priority application (PA 2003 00442)

Thus, neither Allerson et al (WO 2004/041889) nor McSwiggen (US 2005/0261212) are available as prior art against the present claims.

In view of the forgoing, Applicant respectfully requests that the rejections under 35 U.S.C §102(e) be reconsidered and withdrawn.

Rejections Under 35 U.S.C §103

Claims 67-97 were rejected under 35 U.S.C §103 as obvious in view of Allerson et al (WO 2004/041889). As explained above, Allerson et al (WO 2004/041889) is not available as prior art against the present claims.

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In view of the forgoing, Applicant respectfully requests that the rejections under 35 U.S. 35 U.S.C §103 be reconsidered and withdrawn.

Conclusion

It is believed that the claims are in condition for allowance. Please apply any other charges or credits to deposit account 06-1050, referencing attorney docket no. 22460-0041001.

Respectfully submitted,

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